

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BEOM SU LEE,

Plaintiff,

V.

AMAZON.COM INC.

Defendant.

CASE NO. 2:21-cv-01090-RAJ

ORDER RE-NOTING MOTIONS FOR SUMMARY JUDGMENT

On November 18, 2022, Plaintiff Beom Su Lee filed a Motion for Summary Judgment.

Dkt. 36. On November 29, 2022, Defendant Amazon.com filed a Motion for Summary Judgment. Dkt. 37. These motions were referred to the undersigned on June 9, 2023.

In a reply by Defendant Amazon.com on December 23, 2022, counsel for Amazon.com raised a concern that she never received Plaintiff’s “photographs and videos of the live performance from TJ Karaoke” referred to by Plaintiff in his opposition to Defendant’s motion. Dkts. 46 and 47, Ex. E; *see also* Dkt. 42 at 7 (“plaintiff submitted all the admissible evidence (photographs and videos of the live performance from TJ Karaoke) to the court and the defendant.”)

A review of the docket reveals that, on September 23, 2021, prior to Amazon.com’s appearance in this matter, Plaintiff filed “2 DVDs containing Exhibit 13 in support of Complaint,” which were placed in an expando folder on Clerk’s Office filing shelf.” Dkt. 11. It does not appear these DVDs were ever provided to Amazon.com. Because Plaintiff relies on

1 these DVDs as evidence of infringement and refers to them in his briefing, the Court will provide
2 copies to Amazon.com. Because this information was not available at the time Amazon.com
3 filed its motion and responsive pleadings, the Court shall re-note the summary judgment motions
4 to allow the parties to address the impact, if any, of this “new” information.

5 Accordingly, it is **ORDERED**:

6 1) The Clerk shall forward to Amazon.com, copies of the DVDs filed by Plaintiff at
7 Dkt. 11.

8 2) Plaintiff and Amazon.com may file a supplemental brief to their respective
9 motions for summary judgment of no more than ten (10) pages **addressing the impact of this**
10 **evidence only**. The supplemental briefs shall be filed by **July 7, 2023**.

11 3) Plaintiff and Amazon.com shall file responses of no more than ten (10) pages to
12 the supplemental brief filed by the other. The responses shall be filed by **July 14, 2023**.

13 4) Plaintiff and Amazon.com may file replies of no more than five (5) pages to the
14 response filed by the other. The replies shall be filed by **July 20, 2023**.

15 5) The Clerk shall **re-note** the pending motions for summary judgment (Dkts. 36 and
16 37) for **July 21, 2023**.

17 DATED this 14th day of June, 2023.

18
19 
20 BRIAN A. TSUCHIDA
21 United States Magistrate Judge
22
23